

SUBJECT:	REVIEW OF MUTUAL EXCHANGE POLICY
DIRECTORATE:	HOUSING AND REGENERATION
REPORT AUTHOR:	YVONNE FOX – ASSISTANT DIRECTOR OF HOUSING

1. Purpose of Report

- 1.1 To provide Policy Scrutiny Committee with information relating to mutual exchange applications during 2017/18

2. Executive Summary

- 2.1 The Council's Mutual Exchange Policy was approved by Executive on 26 October 2015 and amendments made to clarify the wording of the Policy in 2017 and complies with the provisions of the Housing Act 1985.

- 2.2 Council tenants who are secure tenants have the right to exchange tenancies with tenants of other social housing landlords. For secure tenants an application to refuse can only be refused on one of the grounds specified in the Housing Act 1985 Schedule 3 as detailed below.

3. Grounds for refusal of a mutual exchange request

- 3.1 Secure tenants have a legal right to exchange their home with other social housing tenants with the consent of their landlord. Grounds for withholding this consent are prescribed in law within schedule 3 of the Housing Act 1985 (and its subsequent amendments).

- 3.2 These grounds are as follows:

Ground 1 – the tenant or proposed assignee is subject to an order of the court for the possession of their home.

Ground 2 (and 2ZA) – proceedings for possession have begun but an order has not yet been granted.

Ground 2A – an order for anti-social behaviour, such as an injunction or demotion order has been applied for or is in force.

Ground 2B – the property is subject to a closure notice or order.

Ground 3 – the property is substantially larger than they need.

Ground 4 – the property isn't large enough to accommodate the household.

Ground 5 - refers specifically to excluding properties that were let as part of someone's employment or are part of a larger building that is used predominantly for none housing purposes.

Ground 6 - applies restrictions to tenants wanting to exchange with tenants of properties owned by a charity.

Ground 7 – the property has been substantially adapted to meet the needs of an occupant who has physical disabilities and these adaptations would not be required by the proposed incoming tenant.

Ground 8 - refers to housing associations and housing trusts only.

Ground 9 - the property is part of a group of properties let to people with specific needs, ie our sheltered housing stock, and for which the proposed incoming tenant does not have these needs.

Ground 10 - refers specifically to housing associations only.

4. Requirements before an exchange

4.1 the following conditions must be met before an exchange can proceed:

- Rent must be fully paid by the date of the proposed exchange
- Any other obligation under the tenancy that has not been met or a breach of the tenancy must be resolved by the date of the proposed exchange.

4.2 the exchange is completed by way of a Deed of Assignment signed by the incoming and outgoing tenant and agreed by both landlords

5. Mutual Exchange applications received in in 2017/18

5.1 Throughout the last financial year we received 61 applications for a mutual exchange. 5 of these were later withdrawn by one or both parties. 6 are currently being processed.

5.2 Of the remaining applications, 3 were refused;

- 1 refused under Ground 1 because they were in rent arrears for which the court had granted orders
- 1 refused under Ground 2 because Notice of Intention to Seek Possession had been served.
- 1 refused under Ground 7 because the property had adaptations that were not required by the proposed incoming tenant

6.0 Strategic Priorities – lets deliver quality housing

6.1 Promotion of mutual exchange as a housing option can provide a quicker solution to a household to address their housing need or enable them to move to another location if they are already adequately housed. Promoting mutual exchanges encourages tenant mobility and creates sustainable communities through best use of housing stock.

7. Organisational Impacts

7.1 Finance - none

7.2 Legal Implications - the policy and procedures ensure correct application of the grounds to approve or withhold consent for a mutual exchange.

7.3 Equality, Diversity & Human Rights – effective management of the Council’s housing stock ensures that the most vulnerable and those in housing need are prioritised for housing.

8. Risk Implications

-not applicable.

9. Recommendation

9.1 To note the outcomes of the Mutual Exchange Policy in 2017/18.

Is this a key decision? No

Do the exempt information categories apply? No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply? No

How many appendices does the report contain? One

List of Background Papers: None

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